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PATTI, HEWITT & AREZINA LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO, IL 60602

EXAMINER
ROBERTS, BRIAN S

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2619	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/666,600	NEALON, ROBERT J.
Office Action Summary	Examiner	Art Unit	
	BRIAN ROBERTS	2619	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 December 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

- Claims 1-15 remain pending.

Allowable Subject Matter

The indicated allowability of claims 4-6 and 10-12 is withdrawn in view of the

newly discovered reference Paajanen et al. (US 7349404). Rejections based on the

newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Paajanen et al. (US 7349404)

- In reference to claim 1

In Figures 1, Paajanen et al. teaches a method for using ATM AAL2 switching

within a wireless access gateway that includes providing AAL2 CID (channel identifier)

switching in a wireless access gateway, the wireless access gateway having a plurality

of transcoders (3), the plurality of transcoders (3) having a subset of transcoders that

are available transcoders; allocating individual CIDs to transcoder channels on an as

needed basis without a fixed relationship between external PVCs and transcoder

channels; switching a call to any one respective transcoder (3) of available transcoders

(3); and transcoding the call from a first format to a second format in the respective

transcoder and establishing a substantially even distribution of calls among the

transcoders irrespective of any uneven call load on the external PVC. (column 4 lines 5-

36; column 5 lines 27-54)

-    In reference to claim 2

In Figures 1, Paajanen et al. further teaches the switching of the call to any one

respective transcoder (3) of available transcoders (3) is a function of at least one

predetermined parameter, and wherein the at least one predetermined parameter

comprises at least one of a state of each respective transcoder (3), and a current load

on the plurality of transcoders. (column 5 lines 27-54)

-    In reference to claim 3

In Figures 1, Paajanen et al. further teaches the switching of the call to any one

respective transcoder (3) of available transcoders (3) is on an as needed basis. (column

5 lines 27-54)

-    In reference to claim 4

In Figure 1, Paajanen et al. teaches a method for using ATM AAL2 switching within a wireless access gateway that includes: terminating a plurality of external AAL2 PVCs at an intermediate node; setting up a set of internal AAL2 PVCs between the intermediate node and a set of transcoders (3) that form a plurality of DSP (digital signal processor) channels; allocating a respective DSP channel, of the plurality of DSP channels for a call as a function of at least one predetermined parameter; and instructing the intermediate node to switch individual AAL TYPE 2 CPS-packets of the new call from an external AAL2 PVC of the plurality of external AAL2 PVCs to an internal PVC of the set of internal AAL2 PVCs. (column 4 lines 5-36; column 5 lines 27-54)

-    In reference to claim 5

In Figures 1, Paajanen et al. further teaches wherein at least one predetermined parameter comprises at least one of a state of the transcoders, a current load on the transcoders, and a state of the internal AAL2 PVCs. (column 5 lines 27-54)

-    In reference to claim 6

In Figures 1, Paajanen et al. further teaches wherein the individual AAL TYPE 2 CPS- packets of the new call from the external AAL2 PVC of the plurality of external AAL2 PVCs to the internal PVC of the set of internal AAL2 PVCs at the CPS layer of AAL2 on an as needed basis. (column 5 lines 27-54)

- In reference to claim 7

In Figures 1, Paajanen et al. teaches a method for using ATM AAL2 switching within a wireless access gateway that includes providing AAL2 C1D switching in a wireless access gateway, the wireless access gateway having a plurality of DSPs (3) acting as transcoders for digital representation of speech; allocating individual CIDs to transcoder channels on an as need basis without a fixed relationship between external PVCs and transcoder channels switching individual packets of a call to any one respective DSP (3) of available DSPs (3), the available DSPs (3) being a subset of the plurality of DSPs (3) and transcoding the packets of the call in the respective DSP (3) from a first encoding to a second encoding establishing a substantially even distribution of calls among the DSPs (3) irrespective of any uneven call load on the external PVCs. (column 4 lines 5-36; column 5 lines 27-54)

- In reference to claim 8

In Figures 1, Paajanen et al. further teaches wherein the switching of individual packets to any one respective DSP (3) of available DSPs (3) is a function of at least one predetermined parameter, and wherein the at least one predetermined parameter comprises at least one era state of the each of the transcoders, and a current load on the plurality of transcoders. (column 5 lines 27-54)

- In reference to claim 9

In Figures 1, Paajanen et al. further teaches wherein the switching of individual

calls to any one respective DSP (3) of available DSPs (3) is on an as needed basis.

(column 5 lines 27-54)

-    In reference to claim 10

In Figures 1, Paajanen et al. teaches a method for using ATM AAL2 switching

within a wireless access gateway that includes allocating individual CIDs to transcoder

channels on an as needed basis without a fixed relationship between external PVCs

and transcoder channels; transcoding the call in the respective transcoder channel from

a first format to a second format; and establishing a substantial]y even distribution of

calls among the transcoders irrespective of any uneven call load on the external PVCs.

(column 4 lines 5-36; column 5 lines 27-54)

-    In reference to claim 11

In Figures 1, Paajanen et al. further teaches wherein the allocating of individual

CIDs to transcoder channels is a function of at least one predetermined parameter, and

wherein the at least one predetermined parameter comprises at least one of a state of

the each of the transcoders (3), and a current load on the all of the transcoders (3).

(column 5 lines 27-54)

-    In reference to claim 12

In Figures 1, Paajanen et al. teaches a system for using ATM AAL2 switching

within a wireless access gateway that includes a plurality of external AAL2 PVCs; a

plurality of internal AAL2 PVCs; a plurality of transcoders (3); at least one intermediate

node operatively connected to the external AAL2 PVCs and to the internal AAL2 PVCs;

a packet switch control operatively connected to the at least one intermediate node, the

plurality of internal AAL2 PVCs and the transcoders; and wherein based upon an

algorithm that takes into account at least a current state of each of the transcoders and

a current load of all of the transcoders, the switch controller instructs the at least one

intermediate node to switch individual AAL2 CPS-Packets from the external AAL2 PVCs

to the internal AAL2 PVCs. (column 4 lines 5-36; column 5 lines 27-54)

-   In reference to claim 13

In Figures 1, Paajanen et al. teaches a method for using ATM AAL2 switching

within a wireless access gateway that includes providing AAL2 CID switching in a

wireless access gateway, the wireless access gateway having a plurality of DSPs (3)

acting as transcoders for digital representation of speech; allocating individual CIDs to

transcoder channels on an as needed basis without a fixed relationship between

external PVCs and transcoder channels; switching individual digital representations of

speech of a call to any one respective DSP (3) of available DSPs (3), the available

DSPs (3) being a subset of the plurality of DSPs (3) and transcoding the digital

representations of speech of the call in the respective DSP (3) from a first encoding to a

second encoding and establishing a substantially even distribution of calls among the

transcoders irrespective, of any uneven call load on the external PVCs. (column 4 lines 5-36; column 5 lines 27-54)

-   In reference to claim 14

In Figures 1, Paajanen et al. further teaches wherein the switching of individual digital representations of speech to any one respective DSP (3) of available DSPs (3) is a function of at least one predetermined parameter, and wherein the at least one predetermined parameter comprises at least one era state of the each of the DSPs (3), and a usage level of the DSPs (3). (column 5 lines 27-54)

-   In reference to claim 15

In Figures 1, Paajanen et al. further teaches wherein the switching of individual digital representations of speech to any one respective DSP (3) of available DSPs (3). (column 5 lines 27-54)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are:

- US 7346060
- US 6760335
- US 2002/0131416
- US 7369555

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN ROBERTS whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory B Sefcheck/
Examiner, Art Unit 2619
7-8-2008

BSR
07/07/2008